

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.30/2024(S.B.)**

Dr. Shreekant S/o. Ganesh Paranjape,  
Aged 61 yrs.; Occ.: Retired,  
R/o. Plot No.7, Swavlambi Nagar,  
Nagpur-440 022.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Medical Education and Drugs Department,  
9<sup>th</sup> Floor GT Hospital Campus Building,  
New Mantralaya, Fort, Mumbai-400 001.
- 2) Commissioner,  
Medical Education and Research,  
Directorate of Medical Education and Research,  
4<sup>th</sup> Floor, Dental College Building, St. Georges Hospital  
Compound, CST, Mumbai-400 001.
- 3) Dean,  
Government Medical College,  
Chandrapur- 442 401.

**Respondents**

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Shri N.D.Thombre, Ld. Counsel for the applicant.  
Smt.A.Warjekar, Ld. P.O. for the respondents.

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**Coram:-Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: -09<sup>th</sup> October, 2024.**

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**JUDGMENT**

**Judgment is reserved on 01<sup>st</sup> October, 2024.**

**Judgment is pronounced on 09<sup>th</sup> October, 2024.**

Heard Shri N.D.Thombre, learned counsel for the applicant and Smt.A.Warjekar, learned P.O. for the respondents.

2. The applicant was working as Professor and Head of the Department, Pharmacology in G.M.C.H., Chandrapur. On 24.08.2023 he submitted application for voluntary retirement (Annexure A-2) in prescribed Proforma. It was forwarded with covering letter (Annexure A-3) by respondent no.3 to respondent no.2. The applicant received no communication whether his application for voluntary retirement was accepted or rejected. The applicant, by relying on Rule 66(2) of the Maharashtra Civil Services (Pension) Rules, 1982, has contended that his application for voluntary retirement can be deemed to have been accepted and since there were no dues recoverable from him nor was any departmental enquiry pending against him, his retiral benefits should be directed to be released. Hence, this O.A..

3. Reply is not filed by the respondents.

4. Rule 66(2) reads as under-

**66. Retirement on completion of 20 years qualifying service**

(1) X X X

(2) *The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:*

*Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.*

(3) X X X

(4) X X X

(5) X X X

(6) X X X

(7) X X X

5. The applicant has relied on the Judgment of this Bench dated 30.01.2024 in O.A.No.757/2023. In this case following observations in **Nilkanth S/o Ramji Akarte Vs. State of Maharashtra and Others, 2006 (5), Mh.L.J.132 (Bombay High Court)** are quoted-

*“Though sub-rule (2) of Rule 66 of Maharashtra Civil Services (Pension) Rules stipulates that the notice of voluntary retirement given under sub-rule (1) shall require acceptance by the competent authority, however, proviso to Rule 66 makes it clear that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period. It is, therefore, evident that in absence of refusal by the appointing authority on or before the expiry of the period of notice, the employee*

*automatically stands retired voluntarily from service on the date such period of notice expires.”*

6. In this case the applicant issued notice of voluntary retirement on 24.08.2023 and communicated that he desired to stand voluntarily retired w.e.f. 01.01.2024. He did not receive any communication whether his application was accepted or rejected. As per Rule 66(2) quoted above, the O.A. deserves to be allowed in the following terms-

Application dated 28.08.2023 for voluntary retirement is deemed to be accepted as per Rule 66(2) of the M.C.S. (Pension) Rules, 1982, and the applicant is declared to have retired w.e.f. 01.01.2024. His retiral benefits shall be released. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 09/10/2024.  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 09/10/2024.

and pronounced on

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